IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

Chamber Summons No. 639 of 2004

in

Execution application (lodg) No. 167 of 2004

in

Suit NO. 5723 of 1998

SMT.MADHUBALA M.VINAYKIA ... Plaintiff
V/S
SATYAVAN H.SAVARDEKAR &ANR ... defendants

Mr. R. D. Dave i/b. N.N. Vaishnawa for Plaintiff
None for defendants

CORAM: **ROSHAN DALVI J.**
Date: 19/12/2005

P.C.

The Plaintiff has obtained a decree against the defendants for specific performance of the agreement between them on 28.3.2003. Certified copy of the decree has been granted to the Plaintiff in September 2005. The parties have executed consent terms in the suit on 25.3.2003. The defendants breached clause 4 of the consent terms. The decree is therefore required to be executed. The Plaintiff has applied for execution of the decree under section 50(d) of CPC. The Plaintiff has deposited the

balance consideration of Rs.55000/- as per clause 4 of the consent terms.

The Plaintiff is entitled to have the decree satisfied by obtaining possession of the suit premises from the defendants. The Plaintiff has already been appointed as agent of the Court Receiver as an interim relief in this Chamber Summons. Receiver shall execute the decree in the suit and obtain physical possession of the suit premises. Chamber Summons made absolute in terms of prayer clauses (a) and (b). Chamber Summons disposed of. No order as to costs.

(ROSHAN DALVI J.)